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POLICE DEPARTMENT

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL KEVIN CLARK, an individual,

Plaintiff,

vs.

CITY OF LOS ANGELES, a governmental  
municipality; LOS ANGELES POLICE  
DEPARTMENT, a public entity; and  
DOES 1 through 50, inclusive,

Defendants.

CASE NO. CV 08-08420 SVW (PLAx)  
Assigned to the Hon. Stephen V.  
Wilson

**ORDER RE: PROTECTIVE  
ORDER**

Whereas Plaintiff has propounded a request for production of documents and has requested confidential documents from Defendants, and the parties having met and conferred, seek to avoid burdening the Court with unnecessary motions, and whereas the parties agree the release of certain documents may assist in resolving this matter, the parties have stipulated to the terms and conditions outlined below in the proposed order.

1 Therefore, in accordance with the stipulation of the parties, the Court hereby orders  
2 as follows:

3 1. The parties may designate as confidential the following:

4 [A] LAPD Internal Investigation Reports relating to this matter,  
5 including all compelled statements of any involved police officers;

6 [B] Recordings of statements made pursuant to LAPD's internal  
7 investigation relating to this matter;

8 all of which Defendants believe might contain information of a privileged, confidential,  
9 private or sensitive nature, and the public dissemination of which Defendants believe  
10 jeopardize compelling interests in preserving the integrity of the Los Angeles Police  
11 Department's internal investigations, both by assuring that even self-incriminating officer  
12 statements can be compelled and by facilitating accurate and thorough self-critical  
13 investigations by the Los Angeles Police Department without the fear of having information  
14 used against the officers in court, and to protect officers' right of privacy, by affixing to such  
15 document or writing a legend, such as "Confidential," "Confidential Documents,"  
16 "Confidential Material," "Subject to Protective Order" or words of similar effect. The  
17 category of documents and other tangible things so designated, and all information derived  
18 therefrom (hereinafter, collectively, "Confidential Information"), shall be treated in  
19 accordance with the terms of this stipulation.

20 2. Confidential Information may be used by the persons receiving such  
21 information only for the purpose of this litigation.

22 3. Subject to the further conditions imposed by this stipulation, Confidential  
23 Information may be disclosed only to the following persons:

24 (a) Counsel for the parties and to experts, investigators, paralegal  
25 assistants, office clerks, secretaries and other such personnel working under  
26 their supervision;

27 (b) The Plaintiff in this action;

28 (c) Such other parties as may be agreed by written stipulation among

1 the parties hereto.

2 4. Prior to the disclosure of any Confidential Information to any person  
3 described in paragraph 3(a), 3(b) or 3(c), counsel for the party that has received and seeks  
4 to use or disclose such Confidential Information shall first provide any such person with a  
5 copy of this stipulation, and shall cause him or her to execute, on a second copy which  
6 counsel shall thereafter serve on the other party the following acknowledgment:

7 "I understand that I am being given access to Confidential  
8 Information pursuant to the foregoing stipulation and order.  
9 I have read the Order and agree to be bound by its terms  
10 with respect to the handling, use and disclosure of such  
11 Confidential Information.

12 Dated: \_\_\_\_\_/s/ \_\_\_\_\_"

13 5. Upon the final termination of this litigation, including any appeal  
14 pertaining thereto, all Confidential Information and all copies thereof shall be returned to the  
15 Defendants, except as to Court personnel. All Confidential Information disclosed to any  
16 person or party pursuant to any provision hereof also shall be returned to the Defendants.

17 6. If any party who receives Confidential Information receives a subpoena  
18 or other request seeking Confidential Information, he, she or it shall immediately give  
19 written notice to the Defendants' counsel, identifying the Confidential Information sought  
20 and the time in which production or other disclosure is required, and shall object to the  
21 request or subpoena on the grounds of this stipulation so as to afford the Defendants an  
22 opportunity to obtain an order barring production or other disclosure, or to otherwise respond  
23 to the subpoena or other request for production or disclosure of Confidential Material. Other  
24 than objecting on the grounds of this stipulation, no party shall be obligated to seek an order  
25 barring production of Confidential Information, which obligation shall be borne by the  
26 Defendants. However, in no event should production or disclosure be made without written  
27 notice to Defendants' counsel unless required by court order after serving written notice to  
28 Defendants' counsel.

1           7.     When filing any pleadings, motions, briefs, declarations, stipulations,  
2 exhibits or other written submissions to the Court in this litigation, and portions thereof  
3 which contain, reflect, incorporate or refer to Confidential Information shall be filed under  
4 seal, after written application to the Court made pursuant to Local Rule 79-5. If the Court  
5 approves the application to file the documents under seal, the original and judge's copy of  
6 the document shall be sealed in separate envelopes with a title page affixed to the outside of  
7 each envelope. No sealed or confidential record of the Court maintained by the Clerk shall  
8 be disclosed except upon written order of the Court.

9           8.     Counsel for the parties hereto agree to request that any motions,  
10 applications or other pre-trial proceedings which could entail the discussion or disclosure of  
11 Confidential Information be heard by the Court outside the presence of the jury, unless  
12 having heard from counsel, the Court orders otherwise. Counsel for the parties further agree  
13 that during any portion of the trial of this action which could entail the discussion or  
14 disclosure of Confidential Information, they will request that access to the courtroom be  
15 limited to parties, their counsel and other designated representative, experts or consultants  
16 who agree to be bound by this stipulation, and court personnel, unless having heard from  
17 counsel, the Court orders otherwise.

18           9.     Nothing herein shall prejudice any party's rights to object to the  
19 introduction of any Confidential Information into evidence, on grounds including but not  
20 limited to relevance and privilege.

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